

Date Posted: March 15, 2013

CITY OF EAST PROVIDENCE

RHODE ISLAND

DOCKET OF REGULAR COUNCIL MEETING

March 19, 2013

**Council Chambers, City Hall, 145 Taunton Avenue, East Providence,
RI 02914**

Executive Session to Follow Public Meeting, Room 101

7:30 P.M. Open Session

I. CALL TO ORDER

II. SALUTE TO THE FLAG

III. TO APPROVE THE CONSENT CALENDAR

All items under “CONSENT CALENDAR” are considered to be of a routine and noncontroversial nature by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member so requests, in which event, the item will be removed from the “CONSENT CALENDAR” and will be considered in its normal sequence on the docket.

A. Letters

1. **CRMC March 2013 Calendar.**
2. **Resolution Exeter Town Council in support of S44 and H5072 relating to conduct of elections deleting single party (master lever) voting.**
3. **CRMS Re-Notice Administrative Procedures Act proposed change Ocean Special Area Management Plan (SAMP), Chapter 8 Renewable Energy and Other Offshore Development and Chapter 11 Policies of the Ocean SAMP.**

B. Alcoholic Beverage Class F

1. **St. Mary Academy - Bay View, 3070 Pawtucket Avenue (02915), Manhattan at the Bay, April 25 thru April 28.**

C. Council Journals

1. **Regular Meeting March 5, 2013**

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

IV. PUBLIC COMMENT

V. PRESENTATIONS

**A. Best Practice Energy, LLC, Jaimie Kuzman and Bryan Yagoobian -
(by Councilwoman Rossi)**

VI. LICENSES NOT REQUIRING PUBLIC HEARING

A. Vict Not Over 25

**The Sweet Tooth, LLC, 99A Taunton Avenue (02914), David Zuller,
335 Doyle Avenue, Providence (02906).**

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

B. Holiday Sales

**The Sweet Tooth, LLC, 99A Taunton Avenue (02914), David Zuller,
335 Doyle Avenue, Providence (02906).**

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

VII. NEW BUSINESS

A.City Managers Report (by City Manager Peter Graczykowski)

1. Compost Screener Bid Award

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

2. Snow Removal

3. Departmental Activity Update

4. Response to Audit Management Letter

B.Reports of Other City Officials

1. Claims Committee Report (by City Solicitor Timothy Chapman)

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

2. School Committee Update (by School Committee Member Tony Ferreira)

C. Council Members

- 1. Too Much Talk Not Enough Action (by Assistant Mayor Rose)**
- 2. Fireworks Committee (Councilwoman Rossi)**
- 3. Appointment of Municipal Administration and Finance Officer (by Councilwoman Rossi)**
- 4. Soccer Advisory Committee (by Councilwoman Rossi)**

D. Resolutions

1. A RESOLUTION IN SUPPORT OF SENATE BILL 2013–S0038 AND HOUSE BILL 2013–H5015 SUBSTITUTE A RELATING TO DOMESTIC

RELATIONS – PERSONS ELIGIBLE TO MARRY

WHEREAS, the State of Rhode Island, founded as a beacon of religious tolerance and freedom, has long stood for fair and equal treatment and protection under the law for every citizen; and

WHEREAS, we believe that a just and democratic society guarantees to all its citizens certain civil rights set out in the United States Constitution, and civil marriage is one of these fundamental rights; and

WHEREAS, each and every adult in Rhode Island, regardless of socio-economic status, race, ethnicity, gender identity or sexual orientation deserves the opportunity to attain the legal protections, rights and responsibilities gained through civil marriage; and

WHEREAS, the City Council of the City of East Providence supports the passage of Marriage Equality legislation (H5015 and S0038).

NOW THEREFORE BE IT RESOLVED that City Council of the City of East Providence hereby requests that the City Clerk send a copy of this Resolution to the Governor of the State of Rhode Island, the Lieutenant Governor of the State of Rhode Island, the President of the Rhode Island Senate, the Speaker of the Rhode Island House of Representatives and the Senators and Representatives from the City of East Providence.

Requested by: Councilwoman Rossi

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

2. RESOLUTION OF THE CITY OF EAST PROVIDENCE CITY COUNCIL APPROVING THE ISSUANCE OF TAX ANTICIPATION NOTES

BE IT RESOLVED by the City Council of the City of East Providence, Rhode Island (the “City”) that:

SECTION 1. Pursuant to Rhode Island General Laws Section 45-12-4, the City Council hereby approves the issuance of \$5,000,000 Tax Anticipation Notes of the City issued in anticipation of the receipt of the proceeds of the annual tax assessed or to be assessed upon the taxable property within the said City of as of December 31, 2011, for the fiscal year ending October 31, 2013 for the purpose of providing funds for the payment of the current liabilities and expenses of said City. The Notes shall be issued by the City under its corporate name and seal or a facsimile of such seal. The Notes shall be signed by the manual or facsimile signature of the Director of Finance and the Mayor and, if required by the Purchaser/Holder of the Notes.

SECTION 2. The amount, denominations, maturity, conversion or registration privileges, dated dates, due dates, interest rates, medium of payment, and other terms, conditions and details of the Notes authorized hereunder shall be determined by the officers authorized to sign the Notes. The City shall issue not more than \$22,000,000 of Tax Anticipation Notes in the aggregate during the fiscal year ending October 31, 2013.

SECTION 3. The City Council is also authorized, empowered and directed, to: (i) execute, acknowledge and deliver any and all other documents, certificates or instruments necessary to effectuate such borrowing; (ii) amend, modify or supplement any and all documents, certificates or instruments at any time and from time to time, in such manner and for such purposes the City Council shall deem necessary, desirable or advisable; and (iii) do and perform all such other acts and things deemed by the City Council to be necessary, desirable or advisable with respect to any matters contemplated by this Resolution in order to effectuate said borrowing

and the intent
hereof.

SECTION 4. This Resolution shall take effect upon its passage.

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

**3. RESOLUTION REQUESTING AMENDMENT OF RI GENERAL LAW
45-9-10**

WHEREAS, on December 20, 2011 a Budget Commission was appointed by the State to oversee the financial circumstances of the City of East Providence; and

WHEREAS, the Budget Commission has completed its duties and will terminate its activities on March 28, 2013; and

WHEREAS, pursuant to RIGL 45-9-10 upon abolition of the Budget Commission there shall be established a Department of Administration and Finance which will be responsible for the overall budgetary and financial administration of the City; and

WHEREAS, pursuant to said statute the Department of Administration and Finance shall be under the direction and control of an Administration and Finance Officer (AFO); and

WHEREAS, the City of East Providence by Charter was established under a City Manager form of government; and

WHEREAS, the City Manager maintains similar requirements of an AFO including:

- 1. Education**
- 2. Training**
- 3. Experience; and**
- 4. Administrative and Executive Qualifications**

THEREFORE, BE IT RESOLVED that the objectives of ensuring that the City of East Providence will adhere to the multi-year financial and capital plan, can be accomplished without the duplication of services and through less costly alternatives, other than the establishment of an Administrative and Finance Department and an appointed AFO; and

BE, IT FURTHER RESOLVED we, the East Providence City Council respectfully request that an amendment of RIGL 45-9-10 eliminating the requirement of the AFO for the City of East Providence is the less costly alternative; and

BE, IT FURTHER RESOLVED that the City Manager would be required to perform the duties and responsibilities of the AFO through direct reporting requirements to the Director of Revenue; and

BE, IT FURTHER RESOLVED that the East Providence City Clerk is hereby instructed to submit a copy of this resolution to the City of East Providence State Senators and State Representatives in the Rhode Island General Assembly requesting introduction and support of the appropriate legislation reflecting the above to allow the City of East Providence to adhere to its Charter, including its City Manager form of government, which will substantially decrease the financial impact and burden to the City of East Providence.

Requested by: Mayor Briden

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

E. Communications

- 1. Freddie Rybka, 9 Cozzens Avenue (02915) requesting to address the Council regarding CDBG money for playground for Oldham School Students being relocated to Meadowcrest School.**
- 2. Tom Riley, 3620 Pawtucket Avenue (02915) requesting to address the Council regarding questions on the charges to the City from the Budget Commission and associated events.**

VIII. EXECUTIVE SESSION

The City Council of the City of East Providence will meet in Executive

Session pursuant to RI General Laws § 42-46-5 (a)(1)

A. City Manager Job Performance Review and Employment Agreement

IX. ADJOURNMENT

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

*** Any items listed on the Council Docket may be subject to a vote.**

***If communications assistance is needed or any other accommodations to ensure equal participation please contact the City Clerk's Office at 435-7590.**